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A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

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JUNE 1982

## PLEASE RETURN

VOL. III, NO. 13

### SPECIAL SESSION

JUNE 21, 10 A.M.

By now, everyone knows that the Governor has called for the Legislature to be convened June 21 at 10 a.m. to consider matters related to crowded conditions at the state prison. On May 28, all legislators were sent a memo from President Turnage and Speaker Marks explaining some tentative plans for the session. That is the latest word as this issue is being prepared.

NEWSLETTER  
SCHEDULE MAY  
CHANGE

Depending on the length and activity of the special session, the July newsletter due to be prepared on June 30 and mailed July 2, may be delayed or cancelled. If you miss your next issue, that is why.

STATE DOCUMENTS COLLECTION

### INTERIM SUBCOMMITTEES

JUN 7 - 1982

#### BUSINESS

CHANGES IN  
ENVIRONMENTAL,  
TAX, AND WATER  
LAWS EYED  
APRIL 30

The Subcommittee on Business held its fifth meeting on April 30 in Helena. The committee heard presentations from Pat Flaherty and John Wilson from the Department of Commerce, Gary Fritz from DNRC, and Senator Tom Towe on Initiative 95. The committee is reviewing means to enhance economic development through changes in environmental regulations, taxation, and water development. There will be an informal meeting during the special session. The next formal meeting will be July 16 in Helena.

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#### FISH AND GAME

MILES CITY  
HEARING SET  
JUNE 11

The Subcommittee on Fish and Game will hold its fifth meeting in Miles City on June 11. Discussion will include staff reports on the Wardens' Retirement System and on a comparison of license fees in the western states. Jim Flynn,

Department Director, will comment on the Department's funding structure. This will be the committee's first meeting in eastern Montana, and considerable public interest has been indicated.

#### HIGHWAYS

##### NEW CHAIRMAN SELECTED

Senator Larry Stimatzi was elected vice-chairman to succeed the late Senator John E. Healy when the committee met May 17. At the same time, Senator J. D. Lynch, who was appointed to complete Senator Healy's term, joined the committee.

##### RECOMMENDATIONS FORMULATED

The committee concluded its two-day session by recommending:

All GVW fees be increased by 35 percent to bring in \$4.3 million.

Reenactment of the 1-cent increment on motor fuels taxes due to expire July 1, 1983.

Allocation of \$10 million per year from the Coal Severance Tax Revenue (not from the constitutionally reserved portion) to highways.

Allocation of one-half of the one percent raise in oil severance tax effective April 1, 1983, to the highway Reconstruction Trust Account to raise about \$5 million per year.

Fuel tax be raised three cents per gallon with revenue to be used to retire bonds to be sold in volumes of \$30 million per year for three years on 10-year maturity.

Fuel tax be raised ½ cent per gallon with the revenue to go to cities and counties.

End the diversion of funds from the Highway Earmarked Account to the Highway Patrol. This would make about \$4.5 million more available for highway construction each year.

Study alternate fuels tax, based on BTU value. The researcher was requested to work with Norris Nichols to draft recommendations.

GVW fines and driver's license fees -- no action taken, but feeling of committee was that local government should be allowed to retain what it is now getting.

The researcher was instructed to work with the Department of Highways to draft a proposal to reduce from 12 to 5 the number of financial districts.

Senator Elliott said rural areas do not have political power to assure a share of state highway funds, so he proposed that allocations be made on the basis of sufficiency ratings. He proposed that 50 percent of money be allocated to Primary System critical areas, and the other 50 percent be allocated to areas needing replacement in five years. He asked that a proposal be drafted for this.

The next meeting will be at the call of the chair.

#### HUMAN SERVICES

YOUTH SERVICES  
MAJOR TOPIC  
JUNE 15

The next meeting of the Human Services Subcommittee is scheduled for Tuesday, June 15, at 9:00 a.m. in Aspen Cottage, Mountain View School, Helena. The agenda for the meeting includes a report on a survey of the Department of Institutions, which is being conducted by Dr. Richard Vandiver, University of Montana Department of Sociology; a presentation of the persistent status offender legislation, and a consideration of two proposals for remedying the confusion within the youth services system.

#### JUDICIARY

SUNDAY, JUNE 20,  
DATE SET TO  
CONSIDER SEVERAL  
COURT MANAGEMENT  
ISSUES

The Subcommittee on Judiciary will meet Sunday, June 20, at 10:00 a.m. in Room 104 of the Capitol. During this meeting, the committee will review revised bills concerning disqualification of judges through peremptory challenges and transcript preparation and a staff report on the constitutionality of granting the supreme court discretionary jurisdiction over its caseload. Members will also consider draft legislation creating a state public defender system and a public defense coordinator. In addition, the committee will begin its study of the delivery of prosecution services in Montana. Results of a recent county attorney survey will be presented.

## TRANSPORTATION

FURTHER MEETINGS  
AWAIT AUDIT  
FINDINGS

The next meeting of the committee will be scheduled after information from the Legislative Auditor on the findings of the sunset audits of the Public Service Commission, which regulates intrastate transportation, is available.

## ADMINISTRATIVE CODE COMMITTEE

DRAFT BILL  
CONSIDERED MAY 27

The Administrative Code Committee met on Thursday, May 27. The committee reviewed 1982 Issues No. 7, 8, and 9 of the Montana Administrative Register. The committee also reviewed draft legislation relating to the process and standards for review of executive agency rules.

## WATER RESOURCES OVERSIGHT

SB 76 DATA  
REPORTED

Committee members were informed that, as of May 19, DNRC had received 200,520 water right claims under the SB 76 program. About 43%, or 85,000 claims, were received during the month of April and 30%, or 60,000 claims, were received during the last week of the filing period. Fees collected during the filing period totaled \$3,667,332, which is an average of \$18.28 per claim. The filing fee limitation of \$480 per person, decreed right fee exemption, and fee exemptions on voluntary filings provided in the law reduced the average to less than half of the \$40 fee established by SB 76.

## ENVIRONMENTAL QUALITY COUNCIL

SEVERAL JUNE  
DATES SET

The Environmental Quality Council and its subcommittees will meet in June.

The full EQC will meet Friday, June 18, at 9:00 a.m. in Room 104 of the Capitol. The Council will consider recommendations of the recent Ground Water Conference, and will review the outline of the Annual Report. Representatives of the Triangle Conservation District will review their program and a funding proposal for it.

The Subcommittee on Environmental Regulation and the Economy, chaired by Senator Gary Lee, will meet Thursday evening, June 17, in the Capitol, to review plans for the forum to be held October 4 and 5 in Helena. The subcommittee is assisted by

a Steering Committee comprised of members of various sections of Montana's economy. It has met several times and will advise the EQC on the forum and will help secure the participation of key people in those groups.

The next meeting of the Hard-Rock Mining Subcommittee, chaired by Representative Dave Brown, will be June 10 and 11 in Troy and Libby. The subcommittee will focus on modifications to HB 718 and will tour mining operations in the area. There will be a joint meeting of the subcommittee and the Hard-Rock Mining Impact Board on June 17 in Helena.

The Subcommittee on Alternative Renewable Energy, chaired by Senator Harold Dover, will meet during the Special Session to review the Department of Natural Resources' revised rules for the alternative renewable energy program and the issuing of the first loans under the loan program authorized by the 1981 Legislature.

For more details on EQC activities, see [EQComments](#) or contact the EQC office.

#### LEGISLATIVE AUDIT COMMITTEE

##### LEGISLATIVE AUDIT COMMITTEE MEETING

The Legislative Audit Committee tentatively plans to meet the week of June 21.

##### REPORTS TO BE ISSUED

The committee will receive and review the following financial/compliance audit reports:

Montana State Prison  
Advisory Council for Vocational Education  
Helena Vocational-Technical Center  
Commissioner of Higher Education

##### SUNSET

A hearing will be held on the following sunset report:

Board of Livestock

##### JULY MEETING

The committee will meet in early July to receive and review the following performance audits:

Department of Highways  
Department of Highways, Motor Pool

##### REPORTS AVAILABLE

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.

**ITEMS  
CONSIDERED  
MAY 17**

**LEGISLATIVE COUNCIL**

At a May 17 meeting the Council:

-- discussed with Lee Newspaper representatives various methods of more direct access to the computerized daily status produced by the Council during a legislative session. The Council is studying the matter.

-- heard a staff financial report projecting a reversal of approximately \$270,000 for fiscal year 1982 to the general fund from Council appropriations.

-- delayed setting staff salaries for fiscal year 1983 until after the interlegislative agency committee on salaries meets in late June.

The Council meeting planned for June 18 has been cancelled and rescheduled for early in the special session at the call of the chairman.

**5-STATE COMMITTEE  
APPOINTED**

On May 17 the Legislative Council appointed Senator Carroll Graham, Representative Dean Switzer, and State Veterinarian James W. Glosser to a 5-State Legislative Committee, requested by the 1981 5-State Legislative Conference, to study and promote uniformity in livestock sanitary laws. The South Dakota Legislative Council is staffing the committee.

**CSG/NCSL TRAVEL  
PROBLEMS**

At the June meeting the Council will consider legislator requests to attend the annual NCSL and CSG meetings this summer. Specific allocation is necessary because of lack of remaining funds.

The Five-State Water Task Force meeting originally scheduled for June 4 and 5 in Helena has been rescheduled for July 9 and 10 in Helena.

**DISTRICTING AND APportionment**

**STATEWIDE  
HEARING SCHEDULE  
ANNOUNCED**

The Districting and Apportionment Commission has now set a schedule for the hearings it will be conducting this summer with the exception of the final hearings in Great Falls and Helena to be announced at a later time. The schedule is as follows:

June 12 - Butte hearing, 10:00 a.m., Judge Olsen's chambers, County Courthouse - districts in Powell, Granite, Deer Lodge, Silver Bow,

Beaverhead, Madison, and Jefferson counties.

June 17 - Bozeman hearing, 1:00 p.m., 3rd floor of the County Courthouse, the old courtroom - districts in Gallatin and Broadwater counties and perhaps in Meagher, Wheatland, Golden Valley, and Musselshell counties.

7:00 p.m., executive session, same location, on material heard in Butte and Bozeman.

July 15 - Kalispell hearing

July 16 - Missoula hearing and meeting

August 16 - Billings hearing

August 17 - Glendive hearing

August 18 - Wolf Point hearing

August 19 - Havre hearing

August 20 - Havre meeting

The specific locations and times of the July and August hearings will be announced later. Note that all incumbent legislators will be receiving written notices of hearings to be conducted involving the areas they represent or about which they may be concerned.

#### SENATE JOINT RESOLUTION 34

LICENSURE HEARINGS  
PROPOSED AT  
AT MAY 20 MEET

The Legislative Advisory Committee on SJR 34 met on May 20, 1982. The committee met to discuss the initial proposal to clarify the licensing issues raised by the resolution and work plan to further the study. The proposal was accepted by the committee. The legislative group also directed the staff to develop concrete recommendations for resolving the important licensure problems. These recommendations will be developed through a series of study groups and public hearings coordinated by the Health Planning and Resource Development Bureau staff of the Department of Health and Environmental Sciences and the Montana Health Systems Agency. Members of the committee will attend these public hearings as well as holding a final hearing in Helena prior to the endorsement of any recommendations.

## CAPITOL BUILDING AND PLANNING

MEETING JUNE 23

The architects responsible for the Capitol renovation have scheduled an informational meeting for all legislators and tenants of the Capitol for Wednesday, June 23, at 4:00 p.m. in the SRS auditorium. The architects will report on the renovation planning progress which is now at the end of the design development stage. Updated drawings for the proposed work were mailed this week to legislative leadership and agency heads.

## LEGISLATIVE INTERIM CALENDAR

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
JUNE						
		1	2	3 Girl's State	4 Girl's State	5
6	7	8	9	10	11 FISH & GAME COMMITTEE Miles City	J 2 Hearing Districting and Apportionment Butte Courthouse Judge Olsen's Chambers
					17 EOC Environ., Economy Hardrock Mining 104 - 6pm Dist. & Apport. Bozeman 1 pm Courthouse	18 E O C (regular comm. meeting) Rm 104 9:00 am
13	14	15 HUMAN SERVICES Aspen Cottage Mountain View School 9 - 5	16		23 CAPITOL RENOVATION INFORMATION MEETING SRS AUDITORIUM 4:00 pm	24
				22 BUSINESS COMMITTEE Rm 104 - 7:30pm		25
	20 JUDICIARY COMMITTEE 10:00 am Rm 104 10:00 am	21 SPECIAL SESSION 10:00 am on call Rm 139		LEGISLATIVE COUNCIL		26
27	28			29	30	

MEETING DATES AND TIMES ARE SUBJECT TO CHANGE

## LEGISLATIVE INTERIM CALENDAR

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5 STATE HOLIDAY	6	7	8	9	10
11	12	13	14	15 Hearing Dist. and Apport. Kalispell	16 BUSINESS COMMITTEE Rm 104 9 am Dist. and Apport. Missoula	17 Hearing
18	19	20	21	22	23	24
25	26	27	28	28	30	31
		NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL MEETING CHICAGO July 26 - 30				

MEETING DATES AND TIMES ARE SUBJECT TO CHANGE



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